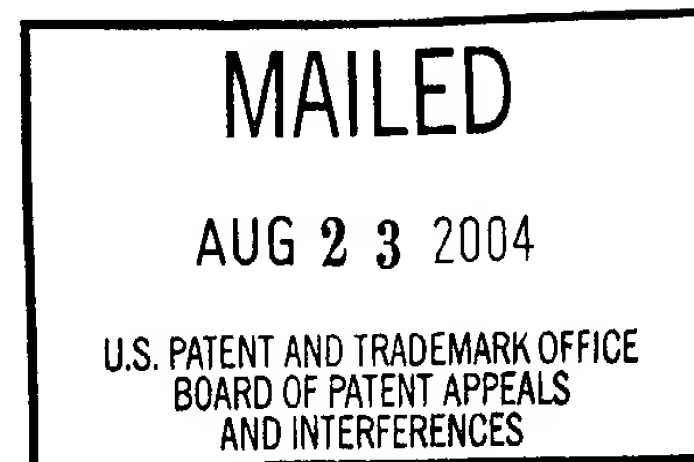


The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte PETER M. PRICE,
JUDITH MEGYESI, and
ROBERT SAFIRSTEIN



Application No. 09/881,635

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on July 21, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

We were unable to locate a copy of the el Nahas et al.¹ reference relied on by the examiner in the Examiner's Answer mailed December 4, 2003. We were able to locate only an abstract.

¹ el Nahas et al., "Renal Fibrosis: Insights into Pathogenesis and Treatment," International Journal of Biochemistry and Cell Biology, Vol. 1, pp. 55-62, Ref: 67 (1997)

Application No. 09/881,635

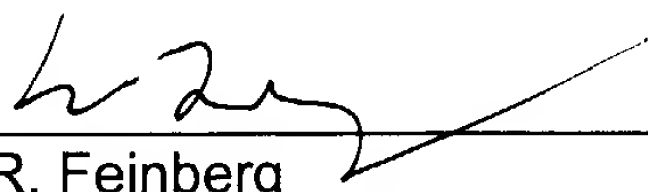
Accordingly, it is

ORDERED that the application is remanded to the examiner to:

- locate and place a complete copy of the missing reference (el Nahas et al.) in the administrative file
- written response to appellants, and
- for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES



Craig R. Feinberg
Program and Resource Administrator
(703) 308-9797

Benjamin Aaron Adler
Adler & Associates
8011 Candle Lane
Houston, TX 77071

dem
RA04-0737